

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Stephanie L. Linn) CHAPTER 13
Debtor)
) Case No. 18-16452

AMENDED MOTION TO SELL REAL PROPERTY

AND now comes the Debtor, Stephanie L. Linn, by and through her attorney, Charles Laputka, Esq., and pursuant to 11 U.S.C. §363(b)(1) and 11 U.S.C. § 1303, respectfully requests this Court to sell certain real property under the terms set forth below:

1. The Debtor desires and hereby proposes to sell the Debtors real property commonly known as 307 E Emmaus Ave, Allentown, Lehigh County, PA 18103, Parcel ID 640683524389 1 (the “Property”).

2. On or about August 30, 2019, the Debtor entered into an Agreement of Sale and Purchase for the Property. The Agreement of Sale and Purchase is attached hereto as Exhibit “A.”

3. The current contractual sale price for the Property is \$330,000. *See* Exhibit “A.”

4. The purchasers of the Property are Melissa Knecht and Adam Knecht, husband and wife. *See* Exhibit “A.”

5. The purchases of the Property are independent, third-party purchasers who are not related to the Debtor by blood, marriage or business association.

6. It is believed and therefore averred that proposed purchase price is the current fair market value for this arm's length transaction.

7. The Debtor reasonably anticipates the proceeds of this sale will be more than sufficient to satisfy all secured claims and liens of records attached to the Property.

8. The following sales costs, liens of records, exemptions and other expenses related to this sale are to be paid out of the sale proceeds at the time of closing in the estimated amounts below:

- a. Full balance to Bayview Loan Servicing, LLC for satisfaction of its mortgage lien on the Property estimated at \$241,761.23 but a formal payoff to be provided by creditor.
- b. \$3,300 to the State of Pennsylvania for transfer taxes associated with the Property;
- c. \$600 to Salisbury Township for unpaid 2019 municipal taxes associated with the Property;
- d. \$300 to title company for other closing costs;
- e. \$25,150 to the Debtor as a homestead exemption under 11. U.S.C. § 522(d)(1).

9. Any net sale proceeds after payment of the actual amounts charged to the items set forth above in Paragraph 7 will be paid to the Trustee in addition to the plan payments and shall not alter or reduce the periodic payments due under

the plan, nor shall the duration of the plan be shortened, except to the extent the net sale proceeds would result in payment in full to all creditors.

10. The amount of net sale proceeds received by the Trustee will be disbursed accordingly:

- a. First, to administrate claimants and costs whose efforts and actions resulted in the sale benefiting the estate;
- b. Second, to the unsecured and under-secured creditors pro-rata pursuant to the priorities set forth in 11 U.S.C. § 726;
- c. Third, after payment of all remaining claims, administrative costs and expenses of the estate, the balance will be refunded to the Debtor.

Wherefore, the Debtor, Stephanie L. Linn, respectfully requests this honorable court to enter an order permitting the sale of the Debtors real property commonly known as 307 E Emmaus Ave, Allentown, Lehigh County, PA 18103.

Respectfully Submitted:

Dated: October 8, 2019

By: /s/Charles Laputka

Charles Laputka, Esquire
Attorney for Debtor
1344 W. Hamilton St.
Allentown PA 18102
P: (610) 477-0155
F: (484) 350-3581
PA ID No: 91984
claputka@laputkalaw.com